

Introduced by Chairman Mendelson  
at the request of the Mayor

A BILL

IN THE COUNCIL FOR THE DISTRICT OF COLUMBIA

Chairman Mendelson introduced the following bill at the request of the Mayor, which was referred to the Committee on \_\_\_\_\_.

To amend the District of Columbia School Reform Act of 1995 to add the Chancellor of the District of Columbia Public Schools as an eligible chartering authority; to provide that student proficiency scores of public charter schools chartered by the Chancellor shall count towards DCPS' proficiency scores for federal and state accountability purposes; to require public charter schools that have elected DCPS as their local educational agency ("LEA") for special education purposes to transition to independent LEA status; to require OSSE to establish a consortium of special education services that LEAs may access; to allow a public charter school to offer a preference for children of the public charter school's staff; to allow public charter schools to apply to their eligible chartering authority to provide a neighborhood preference and a preference based on special education status; to allow an applicant seeking to establish a charter with the Chancellor to elect to give students within an attendance boundary a right to attend the school without having to seek admission through a lottery; and to increase the administrative fee that eligible chartering authorities may charge public charter schools to one percent of the annual budget of the school.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Increasing Access to High Quality Educational Opportunities Act of 2013."

Sec.2. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Code, § 38-1800.01 *et seq.*), is amended as follows:

(a) Section 2002(17) (D.C. Official Code § 38-1800.02) is amended by replacing the phrase "Board of Education" with the phrase "The Chancellor of the District of Columbia public schools".

(b) Section 2002(29)(B) (D.C. Official Code § 38-1800.02(29)(B)) is amended as follows:

Strike the “.” and insert the phrase “; provided that public charter schools that are authorized by the Chancellor of the District of Columbia public schools shall be considered to be part of the District of Columbia public schools in calculating student proficiency rates for federal and state accountability purposes.”

(c) Section 2202(19) (D.C. Official Code §38-1802.02(19)) is deleted and replaced with the following: “No later than three full school years after the effective date of this Act, public charter schools that have elected District of Columbia public schools as their local educational agency (“LEA”) for purposes of Part B of the Individuals with Disabilities Education Act of 1975 (20 U.S.C. 1411 et seq.) (“IDEA”) and §504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall transition to independent LEA status. Prior to such time, the Office of the State Superintendent of Education (“OSSE”) shall establish a consortium of special education service providers that LEAs may access to support the provision of a Free and Appropriate Public Education pursuant to IDEA. The consortium shall provide access to assessments and related services, including services needed to support students that meet the state’s definition of “high need” pursuant to 34 C.F.R. §300.704(c). OSSE shall create a state plan for administration of the consortium, including fee schedules for participation by LEAs and any state set-aside to support funding for students who meet the state’s definition of “high need” under the plan. Nothing in this paragraph should be construed as requiring an LEA to participate in the state consortium established pursuant to this section.”

(d) Section 2204(c)(11)(B)(ix) (D.C. Official Code §38-1802.04(c)(11)(B)(ix)) is amended by replacing the phrase “District of Columbia Board of Education Charter School Board” with the phrase “Chancellor”.

(e) Section 2206(c) (D.C. Official Code §38-1802.06(c)) is deleted and replaced with the following:

“(c)(1) If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process, except that a preference in admission may be given to an applicant who is:

(A) A sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment;

(B) A child of a member of the public charter school’s founding board, so long as enrollment of such children is limited to no more than 10% of the school’s total enrollment or to 20 students, whichever is less;

(C) A child of a full time employee of the public charter school, so long as enrollment of such children is limited to no more than 10% of the school’s total enrollment;

(D) A student who resides within an attendance boundary surrounding the school that is established by the school’s eligible chartering authority, subject to the requirements of paragraphs (3) and (4) of this subsection; or

(E) A student with an individualized education program, provided such preference is consistent with Part B of the Individuals with Disabilities Education Act of 1975 (20 U.S.C. 1411 et seq.).

(2) A public charter school that is chartered by the Chancellor of the District of Columbia public schools may elect, subject to the Chancellor’s approval, to give students within an attendance boundary established by the Chancellor a right to attend the school without having to

1 seek admission through a random selection process. Such school may also admit students who  
2 reside outside of the attendance boundary of the school, but must do so through a random  
3 selection process.

4 (3) A public charter school seeking to establish a preference pursuant to paragraphs  
5 (1)(D) or (E) of this subsection, or to establish a right to attend the school pursuant to paragraph  
6 (2), shall apply to its eligible chartering authority for permission to establish a preference in  
7 admission or right to attend the school. Such application shall not be granted unless doing so  
8 would increase educational opportunities for, and would not adversely impact, students from  
9 neighborhoods identified by the Mayor as having a critical service gap between the demand for  
10 high quality public education options and the availability of such options. Within 120 days of the  
11 effective date of this Act, the Mayor shall establish the process and criteria by which an area of  
12 the city will be identified as having a service gap for the purposes of this subsection.

13 (4) An attendance boundary established by an eligible chartering authority pursuant to  
14 paragraph (1)(D) of this subsection shall be reviewed by the Executive Director of the Public  
15 Charter School Board, the Deputy Mayor for Education, the Chancellor of the District of  
16 Columbia Public Schools, and the State Superintendent of Education or their designees, who  
17 shall meet at a minimum on an annual basis and no later than November 30<sup>th</sup> of each calendar  
18 year prior to the administration of local educational agencies' lotteries for the following school  
19 year.

20 (5) In approving a public charter school's application to establish a preference pursuant to  
21 paragraphs (1)(D) or (E) of this subsection, an eligible chartering authority shall specify the  
22 preference for which permission has been granted, and the reasons for granting the preference, in  
23 a document that shall be made publicly available."

24  
25 (f) Section 2210(a)(1)(A) (D.C. Official Code §38-1802.10(a)(1)(A)) is amended as  
26 follows:

27 (1) By adding a new subparagraph (i) to read as follows: "Public charter  
28 schools that are authorized by the Chancellor of the District of Columbia public schools shall be  
29 treated as a part of the District local educational agency in calculating student proficiency rates  
30 for federal and state accountability purposes. Provided that nothing in this subparagraph shall be  
31 construed to impact federal payments to a public charter school pursuant to part A of title I of the  
32 Elementary and Secondary Education Act of 1965."

33 (2) Section 2210(c) of the Bill is amended by deleting subsection (c) and re-  
34 lettering subsequent subsections.

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36 (g) Section 2211 (b)(2) (D.C. Official Code §38-1802.11(b)(2)) is amended by  
37 replacing the phrase "one-half of one" with the word "one".

### 38 39 Sec. 3. Fiscal Impact Statement

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41 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
42 impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act;  
43 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

### 44 45 Sec. 4. Effective Date.

1        This act shall take effect following approval by the Mayor (or in the event of a veto by  
2 the Mayor, action by the Council, a 30-day period of Congressional review as provided in  
3 section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
4 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
5 Register.  
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